



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

To: State and Clare County Boundary Commissioners

From: Christine Holmes
Commission Specialist

Date: June 9, 2008

Subject: **DOCKET # 08-AP-2**
Legal Sufficiency Review
Petition for Annexation of Territory in Grant Township
to the City of Clare

The following comments are for your consideration on the legal sufficiency of this petition based upon my review:

1. This petition to request the annexation of 235.6 acres in Grant Township to the City of Clare was filed with the Boundary Commission on May 20, 2008.
2. Part IIa identifies the petitioner as Clare Northern Group, L.L.C. Parts IV and Va of the petition are signed by Mr. Thomas Kunse, managing member. This petition contains a resolution and meeting minutes, both of which authorize Mr. Thomas Kunse to execute any annexation petitions and related documents for the annexation of 199.07 acres on behalf of Clare Northern Group, L.L.C. The resolution and meeting minutes, both of which include a legal description, are the same documents that were filed with Docket #08-AP-1.
3. Business entity documents for Clare Northern Group, L.L.C. are on file with the State of Michigan, and represent that the company is managed by members.
4. Part V of the petition contains documentation that the petitioner owns record legal title to 199.5 acres, which represents an area greater than 75% of the territory proposed for annexation.
5. The petition identifies the territory proposed for annexation as being contiguous with the Clare city limits by approximately 1,790 feet.

The letter from Mr. Keith Lambert, professional surveyor, Office of Land Survey and Remonumentation, which describes his legal sufficiency review, is included in your notebooks.

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STATE OF MICHIGAN

JENNIFER M. GRANHOLM
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DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

June 9, 2008

Christine A. Holmes
Specialist
State Boundary Commission

RE: **Docket 2008-AP-02 Grant Township / City of Clare**

Dear Christine:

I have reviewed the PART I map, the PART III legal description and the PART V legal description in **2008-AP-02** and have the following comments for your consideration.

The petition contained two sheets labeled as the PART I map. The sheet titled "Annexation Drawing" from the PART I map shows the limits of **Grant Township** and the **City of Clare** correctly; however, the limits of **Grant Township** and the **City of Clare** within section 27 are shown incorrectly on the sheet titled "Drawing of Description" from the PART I map.

According to the PART I map, the north line of the territory proposed for annexation crosses a small body of water. If this body of water is naturally occurring, this line is not consistent with Michigan riparian division of bottomlands.

Two bearings shown on the PART I map are not consistent with the PART III legal description. The PART III legal description does not close mathematically.

The PART III legal description includes a call to Maple Grove Road (now vacated) in the Supervisor's Plat of Maple Grove Subdivision. Our records do not indicate this road being vacated. The PART III legal description does not identify lots in the Supervisor's Plat of Maple Grove Subdivision which is located within the territory proposed for annexation, as required by MCL 560.255.

The area described in the PART V description is greater than 75% of the area in the PART III legal description, exclusive of the road right-of-way.

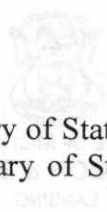
The territory proposed for annexation is contiguous with the **City of Clare** limits based upon the documentation provided by the Secretary of State as of April 29, 2008.

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The **City of Clare** submitted to the Secretary of State a city resolution annexing certain property to the city. On May 16, 2005, the Secretary of State confirmed receipt of this submittal and assigned it Job Number 05-022.

It appears from a letter to attorney Jaynie Smith Horerauf dated June 25, 2006 from the Secretary of State that this resolution has been placed in a "pending file" and not recognized as officially filed. The Secretary of State commented "Job Number 05-022 will continue to be held in the pending file until there is a resolution to the annexation question in the form of a court order, an order from the State Boundary Commission or a written agreement with Grant Township". The territory proposed for annexation includes land described in Job Number 05-022.

Sincerely,

Keith E. Lambert

Keith E. Lambert, P.S., Plat Examiner

I have reviewed the PART I map, the PART III legal description and the PART V legal description in 2005-A-022 and have the following comments for your consideration.

The PART I map shows the limits of Grant Township and the City of Clare. The PART III legal description shows the limits of Grant Township and the City of Clare within section 27 and 28. However, the limits of Grant Township and the City of Clare within section 27 are shown incorrectly on the map titled "Drawing of Description" from the PART I map.

According to the PART I map, the north line of the territory proposed for annexation crosses a small body of water. If this body of water is actually occurring, this line is not consistent with Michigan's median division of waters.

Two bearings shown on the PART I map are not consistent with the PART III legal description. The PART III legal description does not close mathematically.

The PART III legal description includes a call to Maple Grove Road (now vacated) in the Supervisor's Plan of Maple Grove Subdivision. The record does not indicate this road being vacated. The PART III legal description does not identify the in the Supervisor's Plan of Maple Grove Subdivision which is located within the territory proposed for annexation as required by ACT 206 352.

The area described in the PART V description is greater than 10% of the area in the PART III legal description, therefore the road physical map.

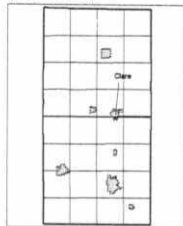
The territory proposed for annexation is contiguous with the City of Clare limits based upon the documentation provided by the Secretary of State as of April 29, 2008.

ACT 206 352 is a special act that only applies to the territory proposed for annexation. It is available upon request in accordance with the Act.

Respectfully, I am a member of the State Boundary Commission.

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18 - CITY OF CLARE



Revision Date: January 28, 2007

APPROVED

8.34 - MILES OF MAJOR STREET
16.12 - MILES OF LOCAL STREET

FOR THE PERIOD
JULY 1, 2008 to JUNE 30, 2007

BY

ACT 51 CERTIFICATION ENGINEER
ON

DATE OF APPROVAL

**CITY OF CLARE
CLARE & ISABELLA COUNTY**

T 16N, 17N - R 4W
POP 3,173 - 2000 CENSUS

STREET SYSTEM
THE MICHIGAN HIGHWAY LAW,
PUBLIC ACT 51 OF 1951, AS AMENDED
MICHIGAN DEPARTMENT OF TRANSPORTATION
1 inch equals 500 feet Map size 24x37

0 1 2

MAP REVISIONS BY MOLEG/BCC/OLSR FOR STATE BOUNDARY COMMISSION LEGAL SUFFICIENCY DOCKET NO. 08-AP-02
REVISIONS DRAWN BY: KEL - JUNE 9, 2008

LEGEND	
ROAD SYSTEM	
	STATE TRUNKLINE
	COUNTY PRIMARY
	COUNTY LOCAL
	CITY MAJOR
	CITY LOCAL
	ADJACENT JURISDICTION ROAD
	UNIVERSITY ROAD
	STATE PARK ROAD
	RAILS TO TRAILS
GEOGRAPHY	
	425 ZONES
	SECTIONS
	NON-FOCUS AREAS
	LAKE / RIVER
	HYDROGRAPHY
	RAILROAD

